

REMARKS:

The claims in the application are 1-7, 11-14, 16-18, 25 and 27 and Claims 28-30 added by the present amendment.

Favorable reconsideration of the application as amended is respectfully requested.

Withdrawn claims 19-24 are cancelled herein.

Claims 12 and 13 are objected to for being dependent upon a rejected base claim, but are deemed to be allowable if rewritten. Claim 12 is amended to substantially incorporate the features of claims 1 and 11, and is believed to be in condition for allowance. Claim 13 depends from claim 12 and is also submitted to be allowable.

A new Abstract is provided herewith on a separated sheet appended hereto, in accordance with the comments set forth in paragraph 3 of the Office Action.

The specification is amended in accordance with the suggestions by the Examiner presented in paragraph 4 of the Office Action.

It is respectfully submitted that the objections to the claims as set forth in paragraph 5 of the Office Action have been obviated by the amendments to the claims. Claims 2 and 4 are rejected under 35 U.S.C. § 112, second paragraph, as set forth in paragraph 6 of the Office Action. Claims 2 and 4 are amended to eliminate any lack of clarity regarding the valve and sensor. Claims 28-30 added herein find support on page 11 of the application and in Fig. 2.

Claims 1-11, 14, 16-18, 25 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Niikura et al. US Patent No. 4,858,898.

The claims have been amended to depend from claim 27, which is submitted to be allowable for the reasons expressed below. Claims 8, 9, and 10 are cancelled in accordance with the amendments to the remaining claims.

Referring to Fig. 2 of the drawings, the spring element of the present invention comprises an auxiliary spring 20 which begins its operation when, due to a system failure, there is insufficient hydraulic pressure in cylinder piston space 42. This space 42 is connected to hydraulic cylinder 200 so that a decrease of pressure in cylinder piston space 42 results in a decrease of pressure in hydraulic cylinder 200. If no pressure exists in cylinder piston space 42 as a result of system failure, the hydraulic cylinder 200 is also depressurized. In this case, auxiliary spring 20 initiates its operation and provides damping function in the auxiliary mode of operation.

Because cylinder space 42 is connected with hydraulic cylinder 200, a decrease of pressure in cylinder piston space 42 automatically results in a movement of the L-shaped wall portion of the hydraulic cylinder 200 so that the bottom portion of the L-shaped portion contacts the upper surface of stopplate 130 in the auxiliary mode of operation. No complicated mechanism is required for initiating this mode of auxiliary operation of the auxiliary spring 20.

If sufficient pressure is present in cylinder space 42 the same applies for hydraulic cylinder 200, which thus moves auxiliary spring 20 in the position

shown in Fig. 2 in which it is not in operation. These features are encompassed by independent Claim 27.

Nikura et al. fail to anticipate or render obvious the claimed invention for the following reasons.

Niikura et al. are directed to a spring element with a piston 23 which is movable relative to a cylinder 26 in the axial direction. The hollow space of piston 23 is connected via channel 51 with space 48 of a second cylinder 24 in which a bellows 50 is located, which is filled with gas. The piston 23 is connected via element 40 with the bogie or the body of a car and the cylinder 26 is connected via element 31 with the other portion.

Referring to Fig. 1 of Niikura et al., if cylinder 26 is moved upwardly, i.e., the piston 23 is inserted into cylinder 26, the volume of space 33 which is filled with oil decreases and oil flows through channel 51 into chamber 48, thereby decreasing the volume of bellows 50. If the piston 23 and the cylinder 26 are moved in an opposite direction, i.e., the cylinder is moved downwardly in Fig. 1, the volume of oil-filled space 33 increases and thus bellows 50 expands.

Niikura et al. do not disclose or suggest an auxiliary spring which is concentrically arranged with the strut, thereby enclosing the strut cylinder, as is claimed in claim 27 of the present application. Additionally, Niikura et al. do not disclose a hydraulic cylinder for preloading the auxiliary spring and is connected with the strut cylinder piston space, as explained above.

Accordingly, claim 27 is submitted to be allowable over Niikura et al. The remaining claims, other than claims 12 and 13, have been amended to depend

directly or indirectly from independent claim 27. Reconsideration and withdrawal of the rejection are respectfully requested.

The remaining art of record has not been applied against the claims and will not be commented upon further at this time.

For at least the reasons stated above, all of the pending claims are submitted to be in condition for allowance, the same being respectfully requested.

A petition for an automatic three month extension of time for response under 37 C.F.R. §1.136(a) is enclosed in duplicate together with the requisite petition fee and fee for additional independent claim introduced herein.

The Examiner is invited to contact the undersigned should there be any questions in connection with this matter.

Early favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Adrian T. Calderone', is written over a horizontal line.

Adrian T. Calderone
Registration No. 31,746
Attorney for Applicant

DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
(516) 288-8484

GK/ATC:mg